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10/050,345	01/18/2002	Gregory Arreazola JR.	WS00-1119	6226
7590		11/05/2004	EXAMINER	
Gregory Arreazola, Jr		LE, LANA N		
419 Fairview Avenue		ART UNIT		
Madera, CA 93637		PAPER NUMBER		
		2685		

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,345

Applicant(s)

ARREAZOLA, GREGORY

Examiner

Lana N Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/18/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 01/18/02 has been received and made of record in the file, it has been considered by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14, 16" has been used to designate both "lids" and "lid portions" in specification page 5, para. 0081 which should be para. 0018. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

-beginning of line 1 of the abstract states "what is disclosed" which is not proper abstract language.

-line 6, before "are" and also after "playing", the word "means" is used which is the form and legal phraseology often used in patent claims and should be avoided.

-line 8, after "receiver" and also after "tuning", the word "means" is used which is the form and legal phraseology often used in patent claims and should be avoided.

-line 9, after "playing" and also after "adjusting" the word "means" is used which is the form and legal phraseology often used in patent claims and should be avoided.

-line 10, after "tuning", the word "means" is used which is the form and legal phraseology often used in patent claims and should be avoided.

-line 11, before "exterior" and also after "corresponding", the word "said" is used which is the form and legal phraseology often used in patent claims and should be avoided.

-line 13, before "compartment", the word "said" is used which is the form and legal phraseology often used in patent claims and should be avoided.

The abstract of the disclosure is objected to because there is a minor typo before "adjusting". Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities: page 5, para. "[0081]" should be para. "[0018]". Appropriate correction is required.

Claim Objections

3. Claims 1-3, 5, 7-10 are objected to because of the following informalities:

- claim 1, line 1, after "comprising", a ":" should be added to show the "...and entertainment center" comprising all of the below components.

- claim 1, line 4, after "lids to", "the" should be "a";

- claim 1, line 4, "lids" should be "lid portions";

- claim 1, line 6, "antenna" should be "an antenna" and "tuning" should be "a tuning";

- claim 2, line "...a corresponding the interior sidewall..." should be "a corresponding one of said interior sidewalls";
 - claim 2, line "...radio receiver, media processing, tuning means is" should be "...radio receiver, media processing, and tuning means are".
 - claim 3, line 2, "also comprising a media processing means including" should be "wherein the media processing means includes" since it already has antecedent basis from claim 1 lines 5-6.
 - claim 5, line 1, after "Claim 1", "wherein" should be deleted.
 - claim 7, line 1, after "Claim 1", "wherein" should be deleted.
 - claim 8, line 1, after "Claim 1", "wherein" should be deleted; "closable drain" should be "a closable drain";
 - claim 8, line 2, "the interior" should be "an interior";
 - claim 9, line 2, "mounted to the compartment" should be "mounted to the exterior wall of the compartment";
 - claim 10, line 2, "said lids" should be "said lid portions".
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 6-7, after "radio receiver means and", the phrase "tuning means for audible output from the radio or media processing means" does not use clear claim language, wherein in the claims, "tuning" is used for outputting a user's selection of an audio source, i.e. one of a radio, compact disc, or another media processing means instead of the common use for "tuning" which is to adjust the frequency of an output of a device to a chosen frequency or range of frequencies, i.e. as in tuning to a particular radio frequency or channel.

Regarding claim 2, the phrase "is affixed" after "media processing, radio receiver, tuning means" is not clear if all of the "media processing, radio receiver, tuning means" are affixed to the walls or only one of the component.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-4, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Holub et al (US 6,364,329) and further in view of Namiki et al (US 5,130,961).

Regarding claim 1, Johnson discloses a combination thermal storage container and entertainment center 10 (figs. 1-6):

a hollow compartment (fig. 4; open area 24 enclosed by walls 14, 16, 18, 20 and 22; col 2, line 66 – col 3, line 3) with sidewalls (14, 16, 18, 20, 22) having an exterior side (outside wall member 30 of; col 3, lines 4-6) and an interior side (inside wall member 26; fig. 4; col 3, lines 4-6); a lid portion (36; fig. 2) with hinges (40) (col 3, lines 14-16);

the interior and exterior sidewalls (14, 16, 18, 20, 22; figs. 1-4) in spaced relation (from inside wall 26 to outside wall 30) to provide a thermal gap (thermal space 34 due to insulating member 32 separating the cold of inside wall 26 from the warmer temperature of the outside wall 30; see figure 4; see col 3, lines 25-30 (note the reference seems to have a typo in which insulating member is supposed to be numeral 32 and not 22 since 22 is already one of the walls);

a first latching means (50; see fig. 1) and

a first hinge means (40; fig. 2; col 3, lines 14-16);

a media processing means (120, 110; fig. 2);

antenna for receiving signals (col 4, lines 10-13);

a radio receiver means (AM/FM stereo radio's circuitry 106 which inherently includes receiver means; col 4, lines 8-16; fig. 2);

at least one speaker (136, 138; fig. 1; the speakers electrically coupled to the AM/FM players 100, the cassette tape player 110, and compact disc player 120 by wires 132 respectively; figs 1 & 3) and an inherent volume control means within control panel 104, 114, 124 of each audio source within system control panel 92 (fig. 2; col 4, lines 8-44).

However, Johnson fails to further disclose the combination thermal storage container and entertainment center comprising:

tuning means for audible output from the radio or media processing means;

a pair of hollow compartments with exterior sidewalls and interior sidewalls, a second lid portion with hinges to connect the lids to the first and second compartments, respectively; a second hinge means, and a second latch means.

Holub et al disclose a thermal storage container comprising:

a pair of hollow compartments (interior compartments 250A, 250B; figures 2A-2B; col 4, lines 55-56) with exterior sidewalls (front, back, and side walls circumferencing exterior shell 230 outside of cooler 200) and interior sidewalls (4 front, back, and side walls of interior compartments 250A, 250B);

first and second lid portions (210A, 210B) with hinges (hinges pivotally attached) (see col 4, lines 51-54; col 6, lines 1-3) to connect the lids to first and second compartments (250A, 250B), respectively. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a lid included with a second hinge and a second latch closing over a second compartment to Johnson in order to have two compartments in order to provide two separate storage containers,

i.e. one separate compartment (250A) to store food that needs to be thermally insulated, and the other compartment (250B) for other storage, i.e. a drinking dispenser 300 within one container and two lids in order to allow the compartments to be accessed independently, i.e. opening one lid via the second latch and second hinge to open the second lid with ease while keeping the other lid closed to keep the items under that lid thermally insulated as suggested by Holub (col 4, lines 55-67).

Johnson and Holub et al fail to specifically disclose:

tuning means for audible output from the radio or media processing means.

Namiki et al discloses tuning means (source selector 5; fig. 1) for audible output from the radio (1) or media processing means 2 (col 2, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the combination thermal storage container and entertainment center of Johnson and Holub et al to have tuning means as taught by Namiki et al in order to allow the user of the cooler to select one of the audio sources to listen to, i.e., CD player or radio and send the audio output to the speakers from the entertainment center of the combination thermal storage container and entertainment center based on the user preference at the time to select his/her desired audio source.

Regarding claim 3, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1 wherein Johnson discloses the combination thermal storage container and entertainment center also comprising a media player processing means including a cassette tape player 110 (col 4, lines 18-30; fig. 2).

Regarding claim 4, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1, wherein Johnson discloses the combination thermal storage container and entertainment center also comprising a media player center which includes a compact disc media player 120 (col 4, lines 31-44; fig. 2).

Regarding claim 6, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1 wherein Johnson further disclose the combination thermal storage container and entertainment center also including a pair of handles (handle 62 of fig. 2; handle 68 of figs. 3 & 5) on opposing sides with inherent hinge mechanisms to facilitate lifting of the device (col 3, lines 44-49).

Regarding claim 7, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1 wherein Johnson further disclose the combination thermal storage container and entertainment center also having rollers (54; fig. 1; col 3, lines 38-41).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Holub et al (US 6,364,329), Namiki et al (US 5,130,961) and further in view of Leonovich Jr. (US 5,235,822).

Regarding claim 2, Johnson, Holub et al, and Namiki et al disclose a combination thermal storage container and entertainment center wherein Johnson, Holub et al, and Namiki et al do not disclose the media processing, radio receiver, tuning means is

affixed between one of the exterior sidewalls and a corresponding one of the interior sidewalls.

Leonovich Jr. discloses a combination cooler and stereo system 50 (col 5, lines 12-17; figs. 8 -11) wherein the media processing, radio receiver (76; col 5, lines 34-39), or tuning means is affixed (screw fastener means 76 of fig. 9; col 5, lines 40-47) between one of the exterior sidewalls (56; col 5, lines 24-30) and a corresponding one of the interior sidewalls (70; col 5, lines 24-30). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to move the media processing means, radio receiver, and tuning means on the lid of the combination cooler and entertainment center of Johnson, Holub et al, and Namiki et al to a position between one of the exterior sidewalls and one of the interior sidewalls in order to protect the radio/audio components with the inside wall from water as a water proof structure as suggested by Leonovich, Jr. (col 5, lines 34-39).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Holub et al (US 6,364,329), Namiki et al (US 5,130,961), Fetterly (US 5,365,739) and further in view of White et al (US 5,437,165).

Regarding claim 5, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1 wherein Johnson, Holub et al, and Namiki et al do not disclose the combination thermal storage container and entertainment center also providing a first aid kit secured to an exterior wall of the compartment and means for holding utensils.

However, Fetterly discloses a cooler means for providing a first aid kit (kit comprising individual components including outer blanket 13 used as a splint, block 11 used to treat heat or cold injuries secured (via velcro fasteners 30 to blanket 13 and via fastener 40 to block 11) to an exterior wall (wall panel 12) of a compartment (outer peripheral of cooler's compartment (col 3, lines 12-52; figs. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the first aid kit of Fetterly to the combined cooler and entertainment center of Johnson, Holub et al, and Namiki et al in order to equip it with an emergency medical care kit to come in handy if the cooler's users get injured.

Johnson, Holub et al, Namiki et al and Fetterly do not disclose the combination thermal storage container and entertainment center has means for holding utensils. White et al disclose a thermal storage container having means (14; fig. 2) for holding utensils (col 2, line 47 – col 3, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the combination thermal storage container and entertainment center of Johnson, Holub et al, Namiki et al and Fetterly to have the means for holding utensils of White et al in order to provide quick access to eating spoons/utensils for the users of the cooler to help himself/herself, i.e. at a picnic without the need for expensive salad bars as suggested by White (col 2, line 59 - col 3, line 2).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Holub et al (US 6,364,329), Namiki et al (US 5,130,961),

Fetterly (US 5,365,739), White et al (US 5,437,165) and further in view of Blanco (US 6,454,097).

Regarding claim 9, Johnson, Holub et al, Namiki et al, Fetterly, and White et al disclose the combination thermal storage container and entertainment center of claim 5, wherein Johnson, Holub et al, Namiki et al, Fetterly, and White et al do not disclose wherein the first aid kit which is mounted to the compartment has a hinged box enclosure having a pair of opposing handle portions, a whistle, band-aid, antiseptic, first aid manual and snake bite kit.

Blanco discloses wherein a first aid kit which has a hinged box enclosure (two interfitting modules 120, 220 to form a square shaped case with hinges 80; see figure 2 and 8) having a handle 50 (fig. 2; col 3, lines 22-26), band-aid (within one of the compartments within first aid kit, item seq. # 11, 17 of table 1), antiseptic (antiseptic within one of the compartments within first aid kit, item seq. # 6, # 33 of table 1), first aid manual (instructions manual break up into tabs for specific emergency situations to place on lids of each compartment of first aid kit; col 5, lines 33-38; figs. 15-24), and snake bite kit (table 1, where venom extractor serves as a component of a snake bit kit; item seq. # 32; col 6, lines 31-35).

Blanco does not specifically disclose: a whistle within first aid kit and a pair of opposing handles portions. However, Fetterly suggested an emergency survival component of the cooler such as the reflective surface of wall panel 12 can be used as a signaling device in emergency situations (col 4, lines 7-10). Therefore, signaling devices such as a whistle to signal attention to emergency situations are notoriously

well known in the art and case box designs which have two handles are also commonly known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the first aid kit of Fetterly with the first aid kit of Blanco in order to store more than one medical care items and quick access to the medical care items based on a specific type of emergency, i.e. a whistle to call for further assistance as a signaling device when items within the first aid kit is not enough, is available for the user/users of the cooler when someone gets injured as suggested by Blanco (col 1, lines 40-45) and to replace the one handle kit of Blanco with a two handle kit in order to have an easier grip for the user to carry.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Holub et al (US 6,364,329), Namiki et al (US 5,130,961), and further in view of Sloan (US 6,305,185).

Regarding claim 8, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1 wherein Johnson, Holub et al, and Namiki et al do not disclose: the combination thermal storage container and entertainment center also having a plug and closable drain which is in fluid communication with the interior of the compartment.

Sloan discloses: a combination thermal storage container and entertainment center (figs. 1-4) having a plug 40 (col 4, lines 15-21; figs. 1 & 4) and closable drain 30 (fig. 2; col 3, lines 64-67) which is in fluid communication with the interior of a first compartment 26 (col 3, lines 66-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the closable drain and plug of Sloan to the

combination thermal storage container and entertainment center of Johnson, Holub et al and Namiki et al in order to provide a way to drain excess water from a first compartment, i.e. leftover ice water which might have melted while the cooler is left open at a picnic to store sodas and a plug to conveniently allow a user to couple items needing electrical power, i.e. to charge phones, heat food with a plugged in microwave as suggested by Sloan (col 4, lines 15-21) and serves as a handy travel case when being outdoor without the need to go indoor to plug to an outlet.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853), Holub et al (US 6,364,329), Namiki et al (US 5,130,961) and further in view of Zeman (US 5,864,981).

Regarding claim 10, Johnson, Holub et al, and Namiki et al disclose the combination thermal storage container and entertainment center of claim 1, wherein Johnson, Holub et al and Namiki et al fail to further disclose the lids having cushioned pads disposed within the lid portions.

Zeman disclose a thermal storage container wherein the lids (21, 22; fig. 1) having cushioned pads disposed within the lid portions (col 4, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to cushion the lids of the combination thermal storage container and entertainment center of Johnson, Holub et al and Namiki et al in order to provide a softer seat for the carrier of the cooler as suggested by Zeman (col 4, lines 38-40).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Qureshey et al (US 2002/0,002,039), Network-Enabled Audio Device.
- Rucker (US 6,216,488), Multi Purpose Cooler.
- Horn (US 5,848,700), Emergency Medical Care Kit with Medical Emergency

Instructions.

- Ellison (US 5,979,175), Portable Insulated Cooler With Built-In Audio System.
- Arredondo et al (US 6,487,814), Fishing Accessories Storage Apparatus.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lana Le', with a stylized flourish at the end.

Lana Le

November 1, 2004